



# House of Representatives

General Assembly

**File No. 571**

January Session, 2015

Substitute House Bill No. 5782

*House of Representatives, April 13, 2015*

The Committee on Public Health reported through REP. RITTER of the 1st Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT AUTHORIZING PHARMACISTS TO DISPENSE OR ADMINISTER OPIOID ANTAGONISTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective from passage*) (a) A person who is licensed  
2       as a pharmacist under chapter 400j of the general statutes and is  
3       certified in accordance with subsection (b) of this section may dispense  
4       or administer, in good faith, an opioid antagonist, as defined in section  
5       17a-714a of the general statutes, as amended by this act. Upon  
6       dispensing or administering an opioid antagonist pursuant to this  
7       section, such pharmacist shall (1) provide appropriate training  
8       regarding the administration of such opioid antagonist to the person to  
9       whom the opioid antagonist is dispensed, and (2) maintain a written  
10      record of such dispensing, administering and training.

11      (b) A pharmacist may only dispense or administer an opioid  
12      antagonist pursuant to this section if the pharmacist has been trained  
13      and certified to dispense and administer an opioid antagonist pursuant  
14      to a program approved by the Commissioner of Consumer Protection.

15 (c) A pharmacist who dispenses or administers an opioid antagonist  
16 in compliance with this section shall not be deemed to have violated  
17 the standard of care for a pharmacist.

18 (d) The provisions of this section shall apply only to a pharmacist  
19 who has been trained and certified to dispense and administer an  
20 opioid antagonist pursuant to subsection (b) of this section. No  
21 pharmacist may delegate or direct any other person to dispense or  
22 administer an opioid antagonist unless such person is a pharmacist  
23 who has been trained and certified pursuant to said subsection.

24 (e) The Commissioner of Consumer Protection may adopt  
25 regulations, in accordance with chapter 54 of the general statutes, to  
26 implement the provisions of this section.

27 Sec. 2. Section 17a-714a of the general statutes is repealed and the  
28 following is substituted in lieu thereof (*Effective from passage*):

29 (a) For purposes of this section, "opioid antagonist" means naloxone  
30 hydrochloride or any other similarly acting and equally safe drug  
31 approved by the federal Food and Drug Administration for the  
32 treatment of drug overdose.

33 (b) A licensed health care professional who is permitted by law to  
34 prescribe, dispense or administer an opioid antagonist may [, if acting  
35 with reasonable care,] prescribe, dispense or administer an opioid  
36 antagonist to any individual to treat or prevent a drug overdose  
37 without being liable for damages in a civil action or subject to criminal  
38 prosecution for prescribing, dispensing or administering such opioid  
39 antagonist or for any subsequent use of such opioid antagonist. Except  
40 as provided in subsection (c) of section 1 of this act with respect to the  
41 standard of care for a pharmacist, a licensed health care professional  
42 who prescribes, dispenses or administers an opioid antagonist in  
43 accordance with the provisions of this subsection shall not be deemed  
44 to have violated the standard of care for such licensed health care  
45 professional.

46 (c) Any person, who in good faith believes that another person is  
 47 experiencing an opioid-related drug overdose may, if acting with  
 48 reasonable care, administer an opioid antagonist to such other person.  
 49 Any person, other than a licensed health care professional acting in the  
 50 ordinary course of such person's employment, who administers an  
 51 opioid antagonist in accordance with this subsection shall not be liable  
 52 for damages in a civil action or subject to criminal prosecution with  
 53 respect to the administration of such opioid antagonist.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	17a-714a

**Statement of Legislative Commissioners:**

In Section 1(c), "any standard" was changed to "the standard", in section 1(d), "said" was deleted and in section 2(b), "Except as provided in subsection (c) of section 1 of this act with respect to the standard of care for a pharmacist," was added. The changes were made for accuracy, consistency and proper form.

**GL**            *Joint Favorable C/R*

PH

**PH**            *Joint Favorable Subst.-LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**Explanation**

The bill results in no fiscal impact to the state as it is procedural in nature.

**The Out Years**

**State Impact:** None

**Municipal Impact:** None

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**OLR Bill Analysis****HB 5782*****AN ACT AUTHORIZING PHARMACISTS TO DISPENSE OR ADMINISTER OPIOID ANTAGONISTS.*****SUMMARY:**

Current law allows licensed pharmacists, in good faith, to dispense opioid antagonists which are used to treat a drug overdose. This bill instead allows licensed pharmacists, in good faith, to both dispense and administer opioid antagonists, but only if they have been trained and certified under a Department of Consumer Protection (DCP) commissioner-approved program. By law, pharmacists may only dispense or administer drugs with a prescription.

The bill also expands the current civil and criminal immunity for licensed health care professionals authorized to prescribe, dispense, or administer an opioid antagonist, when they take such actions to treat or prevent a drug overdose.

EFFECTIVE DATE: Upon passage

**DISPENSING OR ADMINISTERING OPIOID ANTAGONISTS**

By law, an “opioid antagonist” is naloxone hydrochloride (e.g., Narcan) or any other similarly acting and equally safe drug that the Food and Drug Administration has approved for treating a drug overdose.

Under the bill, a pharmacist who dispenses an opioid antagonist must provide appropriate training to the recipient on how to administer it. The pharmacist must also maintain a record of opioid antagonists he or she dispenses, administers, and training provided. The bill prohibits a pharmacist from delegating or directing anyone, other than a trained and certified pharmacist, to dispense and

administer an opioid antagonist.

The bill specifies that a pharmacist who dispenses or administers an opioid antagonist and meets these requirements is not deemed to have violated any standard of care for pharmacists (see below on immunity from liability).

The DCP commissioner may adopt implementing regulations.

### **IMMUNITY FROM LIABILITY**

The bill expands the current civil and criminal immunity for licensed health care professionals authorized to prescribe, dispense, or administer an opioid antagonist, when prescribing, dispensing, or administering it to treat or prevent a drug overdose. (The immunity applies to these actions or the antagonist's subsequent use.)

It removes the condition that the professional be acting with reasonable care for the immunity to apply. It also specifies that the professional may prescribe, dispense, or administer the antagonist to any individual and when the professional does so in accordance with these provisions, he or she is deemed not to have violated the applicable standard of care.

### **BACKGROUND**

#### ***Related Bill***

sHB 6856 (§§ 6 & 8), reported favorably by the Public Health Committee, (1) allows licensed pharmacists to prescribe opioid antagonists under certain conditions and (2) expands the current civil and criminal immunity for licensed health care professionals authorized to prescribe an opioid antagonist.

### **COMMITTEE ACTION**

General Law Committee

Joint Favorable Change of Reference  
Yea 18 Nay 0 (03/12/2015)

Public Health Committee

Joint Favorable

Yea     28     Nay   0     (03/25/2015)